

REMARKS

Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested. This communication is being filed in response to the Office Action mailed January 13, 2010 (hereinafter, "Office Action"). Claim 11 has been amended and claims 12-14 have been newly added. No new matter is introduced. With this amendment, claims 1-14 are pending in the application.

Objections to the Claims

The present Office Action objects to claim 11 as lacking insufficient antecedent basis for the limitation "the non-rusting material." Claim 11 has been amended to depend from claim 2 to address this objection. Thus, it is kindly requested that the objection be withdrawn.

Rejections to the Claims

Claims 1-7 and 10-11

Claims 1 and 6-7 are rejected under 35 U.S.C. §102(b) as being anticipated by Wobben (WO 03/066169) (hereinafter "PCT '169") and claims 2-5 and 10-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over PCT '169.¹ Applicant respectfully traverses these rejections. As indicated in the comments below, PCT '169 does not teach or suggest the claimed features of the embodiments recited in independent claim 1, from which all other rejected claims depend.

Independent claim 1 recites, *inter alia*, "a lock provided between the entry of the wind power installation and the internal space in which the electronic components are disposed."

In making the present rejection, the Office Action asserts that PCT '169 discloses "a pylon (10); an entry in the pylon (via 20); and an internal space in the pylon interior of the wind installation (denoted by 10), in which electrical or electronic components (12) of the wind power installation are disposed; and a lock (area between 20 and 20, Fig 1) provided between the entry and the internal space" See Office Action, page 2.

¹ Applicant notes that PCT '169 became US Patent No. 7,372,171, which provides an English language text corresponding to the PCT '169. For ease of comprehension, references are made herein to passages from US Patent No. 7,372,171.

Applicant respectfully disagrees. PCT '169 is directed to a wind power installation comprising an apparatus for producing an inert atmosphere to prevent a fire from occurring or to extinguish the same. In one embodiment, the apparatus for producing an inert atmosphere is in the form of a fuel cell (24) which uses oxygen in the air to generate electric energy and thereby consumes oxygen in the surrounding area to produce a nitrogen rich atmosphere. See US Patent No. 7,372,171, column 2, lines 27 to 46 and Figure 1, reproduced below. The pylon (10) may be subdivided by intermediate floors (20) having flaps (22) such that one portion of the tower (10) may be evacuated of oxygen to produce an inert atmosphere. The intermediate floors (20) are floors. They are not “an entry of the wind power installation.” PCT '169 thus fails to teach or suggest a lock provided between the entry of the wind power installation and the internal space in which the electronic components are disposed. For at least this reason, independent claim 1 is allowable over PCT '169.

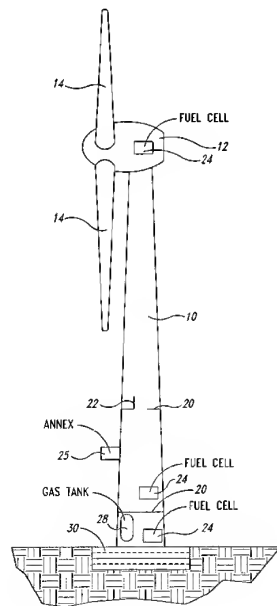


FIG. 1

Independent claim 1 further recites, *inter alia*, “the lock preventing moisture that enters through the entry when the entry is opened from passing into the internal space of the installation.”

In making the present rejection, the Office Action makes a conclusory statement that PCT '169 discloses “the lock preventing moisture that enters through the entry when the entry is opened from passing into the internal space of the installation.” See Office Action, page 3. Applicant respectfully disagrees. PCT '169 fails to teach or suggest this feature. The lack of this feature is not surprising given PCT '169 does not pertain to moisture prevention through an entry of a wind turbine, but rather pertains to generating inert atmospheres for preventing or extinguishing fires. For at least this additional reason, independent claim 1 is allowable over PCT '169.

Independent claim 1 further recites, *inter alia*, “the lock ... having a drain through which water that passes into the lock can drain away.”

In making the present rejection, the Office Action asserts that PCT '169 discloses a lock having a drain in the form of a space 25 through which water that passes into the lock can drain away. See Office Action, page 3. Applicant respectfully disagrees. The space (25) is a container or annex building located exterior to the pylon (10) that may retain the first apparatus (*e.g.*, a fuel cell (24)) for producing an inert atmosphere. A nitrogen atmosphere can be produced in this space (25) by virtue of operation of the first apparatus and stored for subsequent use. See US Patent No. 7,372,171, column 5, lines 8 to 33. The space (25) is not a lock, nor is it a lock that contains a drain through which water that passes into the lock can drain away. For at least this additional reason, independent claim 1 is allowable over PCT '169.

Claims 2-7, 10 and 11 depend from independent claim 1 and are allowable as depending from an allowable base claim, as well as for novel and non-obvious combination of elements recited therein.

For example, claim 4 recites, *inter alia*, “wherein the air is urged out of the interior of the wind power installation into the lock when the lock is opened to the interior.” PCT '169 does not teach or suggest such a feature. The Office Action admits as much stating that this feature is not expressly disclosed in PCT '169. Instead, the Office Action asserts that this feature would be inherent. Applicant respectfully disagrees. The interior of the wind power installations described in PCT '169 could be maintained for example at a uniform pressure such that there would be little to no appreciable air movement between portions of the pylon when

opening a flap (22) in the intermediate floors (20). Alternatively, a pressure differential could be established such that air or other gases are urged in either direction through the flap (22). Accordingly, the aforementioned feature is not inherent in the wind power installations of PCT '169 and the rejection of claim 4 based on inherency is thus improper. For at least this additional reason, claim 4 is patentable over PCT '169.

As another example, claim 5 recites, inter alia, “wherein the air pressure in the interior of the installation is greater than in the lock.” PCT '169 does not teach or suggest such a feature. The Office Action admits as much stating that this feature is not expressly disclosed in PCT '169. Instead, the Office Action asserts that it would be obvious to one of ordinary skill in the art that the air pressure in the interior of the pylon (10) of PCT '169 would be greater than the asserted lock (i.e., the space between intermediate floors (20)) because the air in the pylon would have to be warmer due to activity of the electrical components (indicated as pod 12) thus increasing the pressure in the interior of the pylon (10). See Office Action, pages 4-5. Applicant respectfully disagrees. This assertion is pure conjecture. For example, the Office Action fails to account for heat generation in the asserted lock (i.e., the space between intermediate floors (20)) due to operation of the apparatuses in the form of fuel cells (24) which could potentially cause a pressure increase therein. As another example, the system could include pressure relieve valves or other mechanisms to regulate and maintain a substantially uniform pressure throughout all portions of the pylon. There is nothing obvious or inherent about positively establishing a pressure differential in the manner recited in claim 5. For at least this additional reason, claim 5 is patentable over PCT '169.

Claims 8 and 9

Claims 8 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over PCT '169 in view of Kanda (JP 02041180).

Claims 8 and 9 depend directly or indirectly from independent claim 1. As discussed earlier, PCT '169 fails to teach or suggest “a lock provided between the entry of the wind power installation and the internal space in which the electronic components are disposed,” “the lock preventing moisture that enters through the entry when the entry is opened from passing into the internal space of the installation,” and “the lock ... having a drain through which

water that passes into the lock can drain away” as recited in claim 1. Kanda teaches a fireproof shelter capsule and is unrelated to wind power installations. Consequently, Kanda fails to teach or suggest “a lock provided between the entry of the wind power installation and the internal space in which the electronic components are disposed,” “the lock preventing moisture that enters through the entry when the entry is opened from passing into the internal space of the installation,” and “the lock ... having a drain through which water that passes into the lock can drain away” and so does not cure the deficiencies of PCT '169. Accordingly, claims 8 and 9 are allowable over PCT '169 in view of Kanda.

Newly Submitted Claims

Newly submitted claims 12-14 are fully supported by the application, and do not constitute new matter. Consideration of new claims 12-14 is respectfully requested.

Conclusion

In view of the foregoing, Applicant respectfully submits that all of the claims in this application are now in condition for allowance. In the event the Examiner disagrees or finds minor informalities that can be resolved by telephone conference, the Examiner is urged to contact Applicant's undersigned representative by telephone at (206) 622-4900 in order to expeditiously resolve prosecution of this application. Consequently, early and favorable action allowing these claims and passing this case to issuance is respectfully solicited.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19 1090.

Respectfully submitted,
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